

~~CONFIDENTIAL~~
FEDERAL COMMUNICATIONS COMMISSION

Washington, D. C. 20554

DOCKET FILE COPY ORIGINAL

OFFICE OF
MANAGING DIRECTOR

SEP 28 1993

James L. Winston
Rubin, Winston, Diercks,
Harris & Cooke
1730 M Street, N.W.
Suite 412
Washington, D.C. 20036

93-51

Re: D.E.K.W. Communications, Inc.
New Albany, Indiana
Fee Control # 9205088170358001

Dear Mr. Winston:

This is in response to your request for refund of the fee submitted in the above-referenced matter.

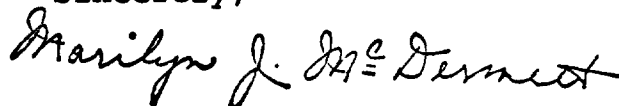
Your request is granted. We have reviewed the facts surrounding your filing and have concluded that a refund is warranted pursuant to Section 1.1111 of the Commission's rules. 47 C.F.R. §1.1111. The subsection checked below is specifically applicable to your request.

- _____ No fee is required for the above referenced submission (§1.1111(a)(1)).
- _____ An insufficient fee has been submitted with the application/filing (§1.1111(a)(2)).
- _____ The applicant cannot fulfill the prescribed age requirement (§1.1111(a)(4)).
- _____ The Commission has adopted a new rule that has nullified the application after its acceptance for filing (§1.1111(a)(4)).
- _____ A new law or treaty has rendered useless a grant or other positive disposition of the application (§1.1111(a)(4)).
- _____ The application was not timely filed in accordance with the filing window as established by the Commission (§1.1111(a)(6)).
- _____ In the case of a broadcast applicant, the application was granted without being designated for hearing (§1.1111(b)(1)).

- _____ In the case of a broadcast applicant, the application was dismissed prior to designation for hearing or in the order designating the case for hearing (§1.1111(b)(2)).
- X In the case of a broadcast applicant, the application was dismissed for failure to file a Notice of Appearance (§1.1111(b)(2)).
- _____ In the case of a broadcast applicant, the applicant was the only applicant in the proceeding to file a Notice of Appearance and the application was immediately grantable (§1.1111(b)(3)).
- _____ In the case of a broadcast applicant, the applicant was the only applicant in the proceeding who filed a Notice of Appearance and the application was immediately grantable upon deletion of a matter(s) specified in the designation order and requiring resolution (§1.1111(b)).
- _____ In the case of a broadcast applicant, a settlement agreement filed with the presiding judge by the Notice of Appearance deadline provided for the dismissal of all but the above-referenced application, and the application was immediately grantable (§1.1111(b)(4)).
- _____ In the case of a broadcast applicant, a settlement agreement filed with the presiding judge by the Notice of Appearance deadline provided for dismissal of all but the above-referenced application and the application was immediately grantable upon deletion of a matter(s) specified in the designation order and requiring resolution (§1.1111(b)(4)).

A check, made payable to the maker of the original check and drawn in the amount of \$6,760, will be sent to you at the earliest practicable time. If you have any questions concerning this refund, please contact the Chief, Fee Section at (202) 632-0241.

Sincerely,



Marilyn J. McDermett
Associate Managing Director
for Operations

Dang

9205088/70358001

RUBIN, WINSTON, DIERCKS, HARRIS & COOKE

ATTORNEYS AT LAW
1730 M STREET, N.W.
SUITE 412
WASHINGTON, D.C. 20036
(202) 861-0870
FAX: (202) 429-0657

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C. H. HARRIS
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July 29, 1993

Mr. Andrew S. Fishel
Managing Director
Federal Communications Commission
1919 M Street, N.W.
Room 852
Washington, D.C. 20554

Re: D.E.K.W. Communications, Inc. -- Hearing Fee Refund
concerning Form 301 Application for Construction Permit,
New Albany, Indiana, File No. BPH-911115MF

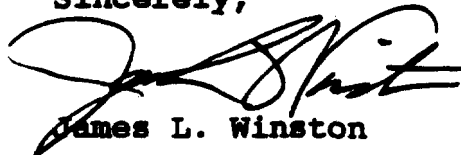
Dear Mr Fishel:

D.E.K.W. Communications, Inc. ("D.E.K.W."), pursuant to Section 1.1111 of the Commission's Rules, requests a refund of its \$6,760.00 hearing fee filed with the Commission on May 6, 1992. The fee refund is requested because D.E.K.W. did not file a Notice of Appearance, and its application was dismissed.

Refund of D.E.K.W.'s hearing fee is now appropriate pursuant to Section 1.1111. See letter dated April 30, 1992 from the Office of the Managing Director to James L. Winston; see also letter dated January 9, 1992 from the Office of the Managing Director to Donald E. Martin.

Please contact undersigned counsel should you have any questions concerning this matter.

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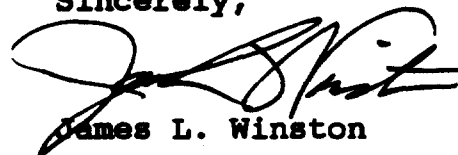
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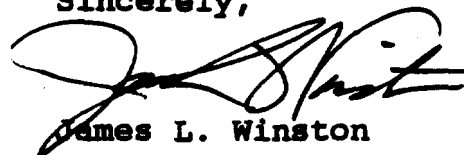
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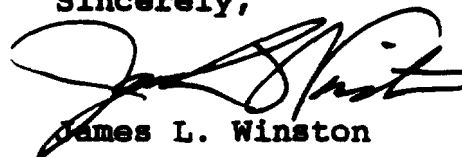
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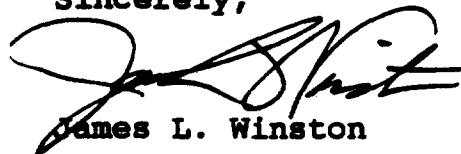
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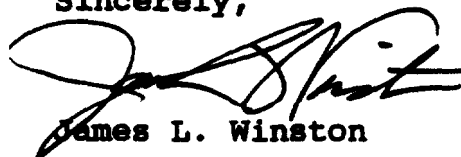
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